UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,192	12/30/2000	Douglas M. Neuse	044601.0164	9997

7590 03/16/2004	EXAMINER
GEORGE R. SCHULTZ P.C. One Lincoln Centre 5400 LBJ Freeway, Suite 525 DALLAS, TX 75240	ZHEN, WEI Y

ART UNIT	PAPER NUMBER
2122	13

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _02 January 2001_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-21_ is/are pending in the application.
      4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-18_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) _1-21_ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
      Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
      Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
      a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
            application from the International Bureau (PCT Rule 17.2(a)).
      * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
      Paper No(s)/Mail Date _7_.
4) ☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 are pending.

Election/Restriction

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

> I.   Claims 1-19, drawn to source to source code translation, classified in class
> 717, subclass 137.
>
> II.   Claims 19-21, drawn to simulation modeling, classified in class 703,
> subclass 22.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this

relationship are distinct if it can be shown that (1) the combination as claimed does not require

the particulars of the subcombination as claimed for patentability, and (2) that the

subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant

case, the combination as claimed does not require the particulars of the subcombination as

claimed because for example, claim 1 is recited with converting code. The subcombination has

separate utility such as simulation modeling.

Because these inventions are distinct for the reasons given above and have acquired a

separate status in the art as shown by their different classification, restriction for examination

purposes as indicated is proper.

During a telephone conversation with David Odom on 3/3/2004 a provisional election

was made with traverse to prosecute the invention of group I, claims 1-18. Affirmation of this

election must be made by applicant in replying to this Office action. Claims 19-21 withdrawn

from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected

invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claim 14 recites the limitation "The method of claim 11, *wherein the step of developing*

an object data structure includes developing an object data structure containing a data structure

of the non-object oriented computer environment". There is insufficient antecedent basis for this

limitation in the claim. The Examiner is interpreting this limitation as "The method of claim 11,

further includes developing an object data structure containing a data structure of the non-object

oriented computer environment".

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dupuy et al, U.S. Patent No. 6,523,171 in view of Agesen et al, U.S. Patent No. 6,253,215.

As per claim 1, Dupuy et al disclose

Identifying an existing object oriented environment, identifying the non-object oriented computer environment, (col. 3 lines 11-15); defining requirements for the new object oriented computer environment, selecting grammar and syntax compatible with the non-object oriented computer environment (col. 3 lines 19-22); preparing the new object oriented computer environment, wherein the new object oriented computer environment includes the requirements, the grammar and syntax and object oriented extensions (col. 3 lines 27-26, Fig. 2 col. 4 lines 15-52).

Dupuy et al does not explicitly disclose developing object oriented extension, wherein an existing application of the non-object oriented computer environment remains executable and wherein the new object oriented computer environment access information of the non-object oriented computer environment.

However, Agesen et al disclose developing object oriented extension, wherein an existing application of the non-object oriented computer environment remains executable and wherein the new object oriented computer environment access information of the non-object oriented computer environment (col. 2 lines 15-26).

Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Agesen et al into the teaching of Dupuy et al to develop object oriented extension, wherein an existing application of the non-object oriented computer

environment remains executable and wherein the new object oriented computer environment

access information of the non-object oriented computer environment because one would want to

provides a flexible system which can access both types of environments.

As per claim 2, Dupuy et al disclose identifying a commercially available object oriented

computer environment (col. 3 lines 6-10).

As per claim 3, Dupuy et al discloses identifying a legacy non-object oriented computer

environment (col. 3 lines 6-10).

As per claims 4-8, Dupuy et al disclose legacy non-object oriented computer environment

(col. 3 lines 11-15).

Dupuy does not explicitly disclose the legacy non-object oriented computer environment,

includes a user language interface and data structure, allows multiple users, includes a distributed

environment, allows simulation modeling for analysis of the performance of software.

Official Notice is taken that a user language interface and data structure, allows multiple

users, includes a distributed environment, allows simulation modeling for analysis of the

performance of software were well known in the art at the time the invention was made.

Therefore,, it would have been obvious to one having ordinary skill in the art to

incorporate the teaching of the well known knowledge into the teaching of Dupuy et al to have

the legacy system to include a user language interface and data structure, allow multiple users,

include a distributed environment, allow simulation modeling for analysis of the performance of

software because one would want to have a complex computer system to meets various types of

needs of different users.

As per claim 9, Dupuy et al discloses selecting semantics of the non-object oriented computer environment (col. 3 lines 19-22, 27-35).

As per claim 10, Dupuy et al discloses selecting semantics compatible to the non-object oriented computer environment (col. 3 lines 19-22 and 27-35).

As per claim 11, Dupuy et al discloses selecting the semantics of the existing object oriented computer environment (col. 3 lines 27-35, Fig. 2 and col. 4 lines 15-52).

As per claims 12-13, Dupuy does not explicitly disclose developing an object header structure, and an object data structure.

Official Notice is taken that an object header structure, and an object data structure were well known in the art at the time the invention was made.

Therefore,, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of the well known knowledge into the teaching of Dupuy et al to develop an object header structure, and an object data structure because one would want to utilize the object oriented technology to develop a complex computer system to meets various types of needs of different users.

As per claim 14, Dupuy et al discloses developing an object data structure containing a data structure of the non-object oriented computer environment (col. 3 lines 37- col. 4 line 7).

As per claim 15, Dupuy et al disclose developing general purpose utility classes (col. 4 lines 22-25).

As per claim 16, Dupuy et al discloses creating new code (col. 3 lines 27-26, Fig. 2 col. 4 lines 15-52, col. 4 lines 22-25).

As per claim 17, Dupuy et al discloses preparing the new object oriented computer environment including inherently creating an operating system (col. 3 lines 27-26, Fig. 2 col. 4 lines 15-52).

As per claim 18, Dupuy et al discloses wherein the new object oriented computer environment includes an object oriented computer language (col. 3 lines 4-15).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
Primary Patent Examiner
March 10, 2004